

**EXHIBIT 21**  
**Sept. 17, 2019 Letter from D.**  
**Kocan to E. Vandavelde**  
**REDACTED VERSION**

# Morgan Lewis

**David R. Kocan**

Associate  
+1.415.442.1323  
david.kocan@morganlewis.com

September 17, 2019

**VIA E-MAIL**

Eric D. Vandeveld, Esq.  
Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Email: evandeveld@gibsondunn.com

Re: Oracle USA, Inc., et al v. Rimini Street, Inc., et al., Case 2:10-cv-00106-LRH-VCF

Dear Mr. Vandeveld:

I write regarding Rimini's August 22, 2019 response to Oracle's Supplemental Request for Production No. 11, seeking all "Documents relating to Oracle Software and Support Materials comprising or used in the development of Rimini's Online Materials." Rimini's objections and assertion that it "is not aware of any documents responsive to this request" cannot be sustained.

First, the terms "comprising," "used in," and "Online Materials" are not vague and ambiguous as Rimini's response states. The terms "comprising" and "used in" are commonly used terms. For avoidance of doubt, "comprising" and "used in" include responsive Rimini Online Materials, documents that make up a portion of those materials, or documents that were referenced in creating those materials. Further, "Rimini's Online Materials" is a defined term, with URLs advertising responsive documents called out as examples.<sup>1</sup> Oracle also provided this clarification to Rimini during the parties' August 1, 2019 meet and confer call, specifically noting the URLs called out in the definition section.

Accordingly, Rimini's response should have included, in part, the technical white paper entitled "White Paper: Unpacking the HCM and FIN PUM Images for PeopleSoft 9.2," any referenced material or appendixes to that white paper, and any other documents Rimini referenced while creating that document. Based on the description on Rimini's website, such documents are responsive as clearly "relating to Oracle Software and Support Materials." RFP No. 11.

---

<sup>1</sup> "Rimini's Online Materials" means Documents advertised or made available on or through Rimini's websites, including, without limitation, materials on Rimini's online resource library located at <https://www.riministreet.com/resource-library>, white papers (such as those referenced on webpage <https://www.riministreet.com/white-paper-unpacking-the-hcm-andfin-pum-images-for-peoplesoft>), webinars (such as those referenced on webpage <https://info.riministreet.com/PeopleSoft-Webinars-LP.html>), analyst research, brochures, client success stories, datasheets, eBooks, infographics, podcasts, research reports, and videos." Oracle's Third Supp. RFPs, ¶ 11.

**Morgan, Lewis & Bockius LLP**

One Market  
Spear Street Tower  
San Francisco, CA 94105-1596  
United States

**T** +1.415.442.1000  
**F** +1.415.442.1001

Eric D. Vandavelde, Esq.  
September 17, 2019  
Page 2

Specifically, the webpage states, "The Functional Support Services (FSS) organization within Rimini Street analyzed all of the updates Oracle Corporation incorporated into the PeopleSoft 9.2 HCM images 1 -27 and FSCM images 1 -28, which is included in this technical white paper."<sup>2</sup> Here Rimini admits that it analyzed Oracle's updates (*i.e.* "Oracle Software and Support Materials") to develop Rimini's white paper (*i.e.* "Rimini's Online Materials").<sup>3</sup> Rimini's failure to provide the white paper discussed in this letter, or any Documents, naturally leads Oracle to believe that Rimini has not produced all documents responsive to RFP No. 11.

Furthermore, Rimini cannot shift responsibility to Oracle to provide a list of responsive documents to RFP No. 11. Oracle obviously cannot identify all documents responsive to its own RFP without access to all of Rimini's documents. Nor does Oracle have a duty to list documents responsive to its own RFP. That is Rimini's obligation.

With this additional guidance, Oracle requests that Rimini please provide an amended response to Oracle's Supplemental Requests for Production No. 11 and produce all responsive documents by September 24, 2019. If requested, we are available to meet and confer on September 20, 2019.

Sincerely,

/s/ David R. Kocan

David R. Kocan

DRK

Attachment: Screenshot of Rimini's webpage titled "White Paper: Unpacking the HCM and FIN PUM Images for PeopleSoft 9.2."

c: Jeremy M. Christiansen  
Blaine H. Evanson  
Joseph A. Gorman  
Samuel Liversidge  
Brett Long  
Shaun Mathur  
Casey J. McCracken  
Amber McKonly  
Tracy A. Morgan  
Mark A. Perry  
Jeffrey T. Thomas  
Arlene R. Thompson  
Jennafer M. Tryck

---

<sup>2</sup> Webpage located at <https://www.riministreet.com/white-paper-unpacking-the-hcm-and-fin-pum-images-for-peoplesoft>. A PDF screenshot of this webpage is attached.

<sup>3</sup> Oracle also disputes Rimini's suggestion that it [REDACTED], but regardless, the RFP calls for documents "relating to" such support materials, and is not limited based on whether Rimini [REDACTED].